

REMARKS

Claims 1 to 31 and 37 to 46 are pending in the application.

Claims 32-38 are cancelled.

Claims 17 and 18 are original.

Claims 1 to 16, 19 to 31, and 42 to 46 were previously presented.

Claims 39 to 41 are currently amended.

Claims 1 to 31 and 42 to 46 are allowed.

Claims 39 to 41 are objected to.

Claims 37 and 38 are rejected.

Claims 1 to 31 and 39 to 46 would be all of the claims pending in the application if the above amendment is entered.

Claim Rejections - 35 U.S.C. § 112

Claims 37 and 38 are rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for a method of treating arthritis, allegedly does not reasonably provide enablement for a method of treatment of all diseases or complaints involving a therapy by inhibition of MMP-13.

Claims 37 and 38 are canceled, rendering rejection of Claims 37 and 38 moot.

Allowable Subject Matter

Claims 1 to 31 and 42 to 46 are allowed. Claims 39 to 41 are objected to as allegedly being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 39 to 41 have been rewritten to include all of the limitations of the base claim and any intervening claims, and no longer depend from a rejected base claim. Applicants thus believe the rejection is overcome.

Supplemental Information Disclosure Statement

Applicant herewith makes available to the Patent and Trademark Office a Supplemental Information Disclosure Statement on forms PTO/SB/08A and/or PTO/SB/08B and copies of the art cited thereon.

Applicant respectfully requests that the Examiner consider carefully the complete text of the cited reference(s) in connection with the examination of the above-identified application in accord with 37 CFR §1.104(a).

Applicants point the Examiner to the Office Action mailed June 16, 2003, in U.S. Patent Application No. 10/264,764, which relates to Claim 40 and is cited in the enclosed supplemental Information Disclosure Statement.

It is respectfully requested that all cited reference(s) considered by the Examiner be listed in the "References Cited" portion of any patent issuing from the instant application (MPEP § 1302.12).

Conclusion

In view of the above amendments and remarks, Applicants believe that Claims 39 to 41 no longer depend from a rejected base claim and are thus in condition for allowance. Applicants request consideration of the supplemental IDS submitted herewith and reconsideration of Claims 39 to 41, and a Notice of Allowance for Claims 1 to 31 and 39 to 46.

The undersigned would welcome a telephone call from the Examiner to discuss any matters related to this case that the Examiner thinks are amenable to resolution by such discussion.

Respectfully submitted,

Date: August 12, 2004

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